

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, DECEMBER 21st, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
CHARLES OLIVER
ARNOLD THOEL
JOA PENZIEN
KENNETH MEERSCHAERT, SR.

ABSENT: NONE

ALSO PRESENT: Larry Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by PENZIEN seconded by AUSILIO to approve the agenda as presented.

MOTION carried.

3. Approval of the December 7, 2004 previous Meeting Minutes

MOTION by AUSILIO seconded by PENZIEN to approve the December 7, 2004 meeting minutes as submitted.

MOTION carried.

The Members of the Board welcomed Mr. Charles Oliver the newest Member to the Planning Commission Board.

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AGENDA ITEMS:

4. **Rezoning; Residential One Family Suburban (R-1-S) to Residential Multiple-Low Density (R-2-L); (Tabled from the December 7, 2004 PC Meeting);**
Located on the north side of 23 Mile Road, approximately ¼ mile east of North Avenue; Vito Serra, Petitioner. Permanent Parcel No. 08-13-300-041.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: Not present. *Petitioner Mr. Vito Serra present at 8:24 P.M. Refer to comments listed below agenda number 9.*

The Members of the Board discussed the differences between residential one family suburban and residential multiple-low density zones

Public Portion: None

MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to deny the request to rezone the property from Residential One Family Suburban (R-1-S) to Residential Multiple-Low Density (R-2-L); Permanent Parcel No. 08-13-300-041. This motion is based on the Planning Consultant's recommendations as follows:

1. **The proposed rezoning is inconsistent with the goals of the Master Plan.**
2. **The proposed rezoning is inconsistent with the development of the surrounding properties.**

MOTION carried.

5. **Revised Site Plan; Heydenreich Retail Center (Condo); (Tabled from the December 7, 2004 PC Meeting)** Located on the northeast corner of Hall and Heydenreich Roads; Frank Jonna, Petitioner. Permanent Parcel No. 08-34-300-024

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bill McPharlin and Frank Jonna. Mr. McPharlin noted that the rest of his party is running late and requested that the item be deferred to after agenda item number 8.

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The Members of the Board, Community Planning Consultants, Township Attorney and petitioners held further discussion regarding the procedures involved with approving the site with conditions. After due consideration it was agreed that the matter should be approved with the following conditions: The land owner submitting a letter satisfactory to the Township Attorney that withdraws the Krispy Kreme Special Land Use approval of April 15, 2003. That the Township Assessor and Township Attorney review and approve the Master Deed and Exhibit B documents. That the Planning Consultants recommendations standard condition numbers 1-27 apply with the exception of standard condition number 24.

Public Portion: None

Jerome R. Schmeiser, Community Planning Consultant, further noted that the entire site is only allowed one ground sign pursuant to the Township Ordinance.

MOTION by KOEHS seconded by THOEL to approved the Revised Site Plan; Heydenreich Retail Center (Condo); Permanent Parcel No. 08-34-300-024; Conditioned on the land owner submitting a letter satisfactory to the Township Attorney that withdraws the Krispy Kreme Special Land Use approval of April 15, 2003. That the Township Assessor and Township Attorney review and approve the Master Deed and Exhibit B documents. That the Planning Consultants recommendations standard condition numbers 1-27 apply with the exception of standard condition number 24. This motion is based on the Planning Consultant's recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

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4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements. *It is noted that the entire site is allowed one ground sign pursuant to the Township Ordinance.*
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.

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13. **MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
14. **That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.**
15. **That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.**
16. **That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.**
17. **That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
18. **That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
19. **That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
20. **That all requirements of the Zoning Ordinance be met.**
21. **Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.**
22. **That the petitioner be aware that a Certificate of Zoning Compliance and a**

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Certificate of Occupancy must be obtained prior to the occupation of the proposed building.

23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
24. ~~That a 6' high wall be provided along the north property line in accordance with the provisions of the zoning ordinance. *Removed*~~
25. That all condominium documents including the master deed and exhibits be approved by the Macomb Township Attorney and Macomb Township Assessor.
26. That any further splitting or division of the property meet the standards of the zoning ordinance.
27. That the land owner submit a letter satisfactory to the Township Attorney that withdraws the Krispy Kreme Special Land Use Approval of April 15, 2003.

MOTION carried.

6. **Site Plan; 21 Mile Industrial Condominiums (Dimension Machine);** Located on the southeast corner of 21 Mile Road and GTWRR; Hans W Lohr Family LLC, Petitioner. Permanent Parcel No. 08-36-227-017.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Gordon Wilson of Anderson Eckstein and Westrick

Public Portion: None

MOTION by OLIVER seconded by THOEL to approve the Site Plan; 21 Mile Industrial Condominiums (Dimension Machine); Permanent Parcel No. 08-36-227-017. Conditioned on revised site plans being submitted to show the 8' pathway along 21 Mile Road and that all conditions of the consent judgment be constructed including the two 600 square foot storage areas, the cross access, the bollards and the water main easement agreement. This motion is based on the Planning Consultant's recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.

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2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
9. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and

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accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.

10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.

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19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
24. That the 8' pathways be shown along 21 Mile Road.
25. That all conditions of the consent judgment including the two 600 square foot storage areas, the cross access; the bollards; and the watermain easement agreement be constructed.

MOTION carried.

7. **Revised Site Plan; Leone Industrial Condominiums West;** Located west of Milano Drive and approximately 800' north of 23 Mile Road. Robert Scott, Petitioner. Permanent Parcel No. 08-18-454-001 through 08-18-454-010.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Robert Scott

Public Portion: None

MOTION by KOEHS seconded by MEERSCHAERT to approve the Revised Site Plan; Leone Industrial Condominiums West, as it relates to the mezzanine and staircase areas. Permanent Parcel No. 08-18-454-001 through 08-18-454-010. This motion is based on the planning consultant's recommendations as follows:

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1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
10. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.

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9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.

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18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.

MOTION carried.

8. **Site Plan; Victory Nissan-Macomb;** Located on the north side of Hall Road, 946.95 feet west of Fairchild Road. Jeffrey Cappel, Petitioner. Permanent Parcel No. 08-36-377-010 and 08-36-377-005 (part of)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: John Wright and Gary Longrosch

Public Portion: Several Township residents addressed their concerns opposing the current proposal.

After the petitioners held further discussion with the Members of the Board, Township Attorney, Community Planning Consultant and residents, it was requested that the item be tabled to the next available Planning Commission Meeting.

MOTION by KOEHS seconded by MEERSCHAERT to table the matter to the Planning Commission Meeting of January 18, 2005 as requested by the petitioner

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for review of the Site Plan; Victory Nissan-Macomb; Permanent Parcel No. 08-36-377-010 and 08-36-377-005 (part of).

MOTION carried.

9. Motion to receive and file all correspondence in connection with this agenda.

MOTION by AUSILIO seconded by MEERSHAERT to receive and file all correspondence in connection with this agenda.

MOTION carried.

Mr. Vito Serra, petitioner for agenda number 4 arrived at 8:24 P.M. and questioned what the Board's action was on the item. Clerk KOEHS stated, "The item was recommended for denial to the Township Board of Trustees for the reason that the request is inconsistent with the goals of the Township Master Plan."

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

Chairman GALLAGHER wished everyone a Merry Christmas.

ADJOURNMENT:

MOTION by AUSILIO seconded by MEERSCHAERT to adjourn the meeting at 8:29 P.M.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb